



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,827	11/28/2000	Gracme John Proudler	B-4050CONTPCT 618384-8	3195
22879	7590	10/11/2006	EXAMINER CERVETTI, DAVID GARCIA	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ART UNIT 2136	
PAPER NUMBER				

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/728,827	<b>Applicant(s)</b> PROUDLER ET AL.	
	<b>Examiner</b> David G. Cervetti	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 23-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/28/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/06, 3/1/06</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments filed April 28, January 27, and July 17, 2006, have been fully considered but they are not persuasive.
2. Claims 1-17 and 23-26 are pending and have been examined. Claims 18-22 have been cancelled.

### ***Response to Amendment***

3. Examiner respectfully requests Applicant to re-submit the NPL documents and Foreign documents listed in the information disclosure statements filed March 18, 2003, and December 15, 2003. The application has been retrieved from boxing and reviewed all the documents located in the application. The missing references for IDS dated 3/18/03 and 12/15/03 were not located within.
4. The objections to the drawings are withdrawn. The replacement sheet for fig 4 is approved.
5. The objection to the specification regarding terms not defined is withdrawn.
6. The rejection of claim 15 under 35 USC § 112 is withdrawn.
7. The following prior art has been used:
  - Vrhel, Jr. et al. (US Patent Number: 6,560,726, hereinafter "Vrhel"),
  - Vineyard, Jr. et al. (US Patent Number: 6,727,920, hereinafter "Vineyard"),
  - Hannah (US Patent Number: 6,735,696),
  - Herzi et al. (US Patent Number: 6,353,885, hereinafter "Herzi"),
  - Galasso et al. (US Patent Number 6,148,387, hereinafter "Galasso").

Art Unit: 2136

8. Regarding Applicant's arguments in reference to claims 1-4, 7, and 17 and statement that the operating system is not comparable to the "state", Examiner directs Applicant's attention to the definition, page 24, lines 25-30, "in a first state, the computing entity may operate under control of a first operating system.... in a second state,.. the platform may have access to a second operating system..". It is further argued that the monitoring aspects of the invention are precisely what operating systems do. Furthermore, under a dual-boot system, the boot loader manages the states, either one operating system or another operating system are accessed or executing. The claims are given the broadest reasonable interpretation consistent with the specification. Applicant's arguments and the specification's lack of further limiting what a "state" is, are not persuasive. A "state" is broadly interpreted as an operating system. **Applicant's arguments are not persuasive.**

9. Examiner further submits that dual boot computer platforms were conventional and well known at the time the invention was made. Under such a scenario, there exists the computer platform, the monitoring component, and the states. The monitoring component, arguably the operating system, monitors and determines the current state (i.e. if it is a dual boot system, the first operating system would determine that the current state or operating system is the first, and if it is operating under the second state, the second state or operating system would determine that the current state is the second operating system, not the first). Applicant's arguments are not persuasive. Rather than an interpretation or selective citation of the MPEP, Examiner submits the text of MPEP 2144: "The rationale to modify or combine the prior art does not have to be expressly stated in

Art Unit: 2136

the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (setting forth test for implicit teachings); In re Eli Lilly & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning)".

**10.** Regarding claim 6, Examiner respectfully submits that Vineyard teaches activating according to a BIOS one of a plurality of states (**figure 3, column 4, lines 48-67, column 5, lines 1-67**). Vineyard teaches a boot loader or manager (column 2), using configuration data (column 4, lines 30-47) and the pre-configured operational states (multiple operating systems). Furthermore, the BIOS, which is taught by Vineyard, monitors booting in a pre-selected mode, it is what a BIOS is used for, and Vineyard also teaches "BIOS routines provide systems testing and input/output services, and process interrupts" (clearly monitoring) (column 4, lines 48-60). Regarding step 3, the cited portion (column 6 in its entirety) clearly teaches the BIOS **monitoring activation of said selected state by recording data describing which of said plurality of pre-configured states is activated (column 6, lines 8-13, "selection of an operating system causes a default for a load utility ... to be set to the operating system selected...")**. Furthermore, Vineyard also discloses that the boot selection program includes regions for operating systems, etc (column 6, lines 30-45). **Applicant's arguments are not persuasive.**

Art Unit: 2136

11. Regarding Applicant's arguments in reference to claims 8, 10, 11, and 13, Examiner respectfully submits that Vineyard teaches as discussed above in column 6, lines 8-13 the state signaling the state the computer platform has entered. **Applicant's arguments are not persuasive.**

12. Regarding claim 10, Vineyard teaches in the cited portion scroll through a menu of available operating systems presented on the interface (col. 6, lines 1-7). **Applicant's arguments are not persuasive.**

13. Regarding claim 11, Vineyard teaches in the cited portion the menu and generating the signal (col. 6, lines 1-15). **Applicant's arguments are not persuasive.**

14. Regarding claim 13, Vineyard teaches in the cited portion "receiving from a network" (col. 4, lines 61-67). **Applicant's arguments are not persuasive.**

***Information Disclosure Statement***

15. **Applicant is reminded that an applicant's duty of disclosure of material and information is NOT satisfied by presenting a patent examiner with "a mountain of largely irrelevant [material] from which he is presumed to have been able, with his expertise and with adequate time, to have found the critical [material]. It ignores the real world conditions under which examiners work."** Rohm & Haas Co. v. Crystal Chemical Co., 722 F.2d 1556, 1573 [220 USPQ 289] (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). (Emphasis in original). Patent applicant has a duty not just to disclose pertinent prior art references but to make a disclosure in such a way as not to "bury" it within other disclosures of less relevant prior art; See Golden Valley Microwave Foods Inc. v. Weaver Popcorn Co. Inc., 24 USPQ2d 1801 (N.D. Ind. 1992);

Art Unit: 2136

Molins PLC v. Textron Inc., 26 USPQ2d 1889, at 1899 (D.Del. 1992); Penn Yan Boats, Inc. v. Sea Lark Boats, Inc. et al., 175 USPQ 260, at 272 (S.D. Fl. 1972).

16. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See Penn Yan Boats, Inc. v. Sea Lark Boats, Inc., 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aff'd, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. Molins PLC v. Textron Inc., 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

17. Examiner has made a best effort to consider the large number of references submitted.

18. Please note due to the large number of references disclosed in the IDS, applicant is requested to include a concise explanation of relevance indicating the references to be of most significance.

***Claim Rejections - 35 USC § 102***

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**20. Claims 6, 8, 10-11, 13, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Vineyard.**

**Regarding claim 6, Vineyard teaches**

- a method of activating a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second

memory, into an operational state of a plurality of pre-configured operational states into which said computer platform can be activated **(figure 3, column 4, lines 48-67, column 5, lines 1-67),**

- said method comprising the steps of:
- selecting a state of said plurality of pre-configured operational states to activate for said computer platform **(column 5, lines 30-67, column 6, lines 1-30);**
- activating said selected state for said computer platform according to a set of stored instructions **(column 5, lines 30-67, column 6, lines 1-30);**
- wherein said monitoring component monitors activation of said selected state by recording data describing which of said plurality of pre-configured states is activated **(column 6, lines 1-67).**

**Regarding claim 8,** Vineyard teaches wherein said monitoring component generates a state signal in response to a signal input directly to said monitoring component by a user of said computing entity, said state signal indicating which said state said computer platform has entered **(column 5, lines 30-67, column 6, lines 1-30).**

**Regarding claim 10,** Vineyard teaches generating a menu for selection of a said pre-configured state from said plurality of pre-configured states **(column 6, lines 1-65).**

**Regarding claim 11,** Vineyard teaches generating a user menu displayed on a user interface for selection of a said pre-configured state from said plurality of pre-configured states, and said step of generating a state signal comprises generating a



Art Unit: 2136

state signal in response to a user input accepted through said user interface (**column 6, lines 1-65**).

**Regarding claim 13**, Vineyard teaches receiving a selection message from a network connection, said selection message instructing a BIOS file of said computer platform to activate said computer platform into a selected state (**column 4, lines 48-67, column 5, lines 1-30**).

**Regarding claim 23**, Vineyard teaches importing from a storage medium data generated when the computer platform was previously in the same selected state (**column 6, lines 30-55**).

**Regarding claim 24**, Vineyard teaches wherein the monitoring component monitors the data imported from the storage medium before it is loaded (**column 4, lines 48-67**).

***Claim Rejections - 35 USC § 103***

21. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**22. Claims 1-4, 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard, and further in view of Vrhel.**

**Regarding claim 1**, Vineyard teaches a computing entity comprising:

- a computer platform comprising a plurality of physical and logical resources including a first data processor and a first memory (**figure 3**);
- a monitoring component comprising a second data processor and a second memory (**column 4, lines 48-67, column 5, lines 1-30**);

Art Unit: 2136

- wherein, said computer platform is capable of operating in a plurality of different states, each said state utilizing a corresponding respective set of individual ones of said physical and logical resources (**column 5, lines 30-67**).

Vineyard does not expressly disclose

- wherein said monitoring component operates to determine which of said plurality of states is the current operating state of said computer platform.

However, Vineyard does teach providing options for configuring settings and operating a computer platform on a current operating state (column 6, lines 45-67, column 7, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art to determine which of a plurality of states a computer platform is on.

Furthermore, Vrhel explicitly teaches wherein said monitoring component operates to determine which of said plurality of states is the current operating state of said computer platform (column 4, lines 40-67, column 5, lines 1-60). Therefore, it would have been obvious to integrate the monitoring system of Vrhel with the teachings of Vineyard to provide a multiple state computing entity that monitors its states. One of ordinary skill in the art would have been motivated to do so because it was well known in the art to monitor the current state of a computer.

**Regarding claim 2**, the combination of Vineyard and Vrhel teaches the limitations as set forth under claim 1 above. Furthermore, Vineyard teaches wherein said first memory means contains a set of instructions for configuration of said plurality

Art Unit: 2136

of physical and logical resources of said computer platform into a pre-determined state **(column 4, lines 48-67, column 5, lines 1-30).**

**Regarding claim 3**, the combination of Vineyard and Vrhel teaches the limitations as set forth under claim 1 above. Furthermore, Vrhel teaches in which exit of said computer platform from each said operating state is monitored by said monitoring component **(column 4, lines 40-67, column 5, lines 1-60).**

**Regarding claim 4**, the combination of Vineyard and Vrhel teaches the limitations as set forth under claim 1 above. Furthermore, Vineyard teaches wherein said monitoring component includes a BIOS file **(column 4, lines 48-67, column 5, lines 1-30).**

**Regarding claim 7**, Vineyard does not expressly disclose wherein said monitoring component continues to monitor said selected state after said state has been activated. However, Vrhel explicitly teaches wherein said monitoring component continues to monitor said selected state after said state has been activated **(column 4, lines 40-67, column 5, lines 1-60).** Therefore, it would have been obvious to integrate the monitoring system of Vrhel with the teachings of Vineyard to provide a multiple state computing entity that monitors its states. One of ordinary skill in the art would have been motivated to do so because it was well known in the art to monitor the current state of a computer.

**Regarding claim 17**, Vineyard does not expressly disclose monitoring after activating a selected state and comparing to a stored metric data. However, Vrhel teaches after said step of activating said selected state, monitoring a plurality of logical

Art Unit: 2136

and physical components to obtain a first set of metric data signals from those components, said metric data signals describing a status and condition of said components (column 4, lines 40-67, column 5, lines 1-60); comparing said first set of metric data signals determined from said plurality of physical and logical components of said computer platform with a set of pre-recorded metric data stored in a memory area reserved for access only by said monitoring component (column 5, lines 1-60); and comparing said first set of metric data signals obtained directly from said plurality of physical and logical components with said set of pre-stored metric data signals stored in said reserved memory area (column 5, lines 1-60). Therefore, it would have been obvious to integrate the monitoring system of Vrhel with the teachings of Vineyard to provide a multiple state computing entity that monitors its states. One of ordinary skill in the art would have been motivated to do so because it was well known in the art to monitor the current state of a computer.

**23. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard and Vrhel, and further in view of Hannah.**

**Regarding claim 5**, the combination of Vineyard and Vrhel does not expressly disclose computing a digest data of a BIOS file data. However, Hannah teaches wherein said computer platform comprises an internal firmware component configured to compute a digest data of a BIOS file data stored in a predetermined memory space occupied by a BIOS file of said computer platform (column 2, lines 25-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to compute a digest data of a BIOS file data. One of ordinary skill in the art

Art Unit: 2136

would have been motivated to do so to detect possible unauthorized modifications to a BIOS file data.

**24. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard.**

Regarding claim 9, Vineyard does not expressly disclose wherein said set of stored instructions are stored in a BIOS file resident within said monitoring component. The BIOS is the monitoring component (column 4, lines 30-67, column 6, lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art to have a BIOS resident within a component or have a modified BIOS perform the functions of a component. One of ordinary skill in the art would have been motivated to do so because it was well known in the art to monitor the current state of a computer and to use object oriented techniques to develop software, thus developing code to perform an action and developing code resident within a component to perform the action are not patentably distinct.

**25. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard and Vrhel, and further in view of Herzi.**

Regarding claim 12, the combination of Vineyard and Vrhel does not expressly disclose a BIOS accepting instructions from a smartcard device. However, Herzi teaches in which said step of selecting a state of said plurality of pre-configured operational states comprises receiving a selection signal from a smartcard device, said selection signal instructing a BIOS of said computer platform to activate the said computer platform into a said selected state (column 3, lines 45-67, column 4, lines 1-

Art Unit: 2136

51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use information received from a smartcard device to instruct the BIOS to activate a computer platform into a selected configuration. One of ordinary skill in the art would have been motivated to do so to provide an improved BIOS configuration (Herzi, column 1, lines 5-67, column 2, lines 1-24).

**26. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard, and further in view of Hannah.**

**Regarding claim 14,** Vineyard does not expressly disclose creating a digest data, writing it to a pre-allocated memory space, and reading it. However, Hannah teaches using a digest of a BIOS data and storing it (column 2, lines 25-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to compute a digest data of a memory space occupied by a BIOS file of said computer platform, store it into another memory space, and reading it. One of ordinary skill in the art would have been motivated to do so to detect possible unauthorized modifications to a memory space.

**Regarding claim 15,** Vineyard does not expressly disclose executing a firmware component to compute a digest data of a BIOS file of said computer platform; writing said digest data to a predetermined location in said second memory of said monitoring component. However, Hannah teaches executing a firmware component to compute a digest data of a BIOS file of said computer platform; writing said digest data to a predetermined location in said second memory of said monitoring component (column 2, lines 25-64). Therefore, it would have been obvious to one having ordinary skill in the

Art Unit: 2136

art at the time the invention was made to compute a digest data of a BIOS file data. One of ordinary skill in the art would have been motivated to do so to detect possible unauthorized modifications to a BIOS file data.

**27. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vineyard, and further in view of Galasso and Hannah.**

**Regarding claim 16,** Vineyard does not expressly disclose storing an address of a monitoring component, calculating a digest of a BIOS file, or passing control. However, Galasso teaches at a memory location of said first memory, said location occupied by a BIOS file of said computer platform, storing an address of said monitoring component which transfers control of said first processor to said monitoring component (column 2, lines 15-44, column 9, lines 40-67, column 10, lines 1-50). Hannah teaches storing in said monitoring component a set of native instructions which are accessible immediately after reset of said first processor, wherein said native instructions instruct said first processor to calculate a digest of said BIOS file and store said digest data in said second memory of said monitoring component (column 2, lines 25-64); and said monitoring component passing control of said activation process to said BIOS file, once said digest data is stored in said second memory (column 2, lines 25-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store an address of a monitoring component, calculate a digest of a BIOS file, and pass control to a monitoring component. One of ordinary skill in the art would have been motivated to do so to detect possible unauthorized modifications to a BIOS

file data and because passing control between components/software modules was conventional and well known.

**28. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth (US Patent 6,330,669).**

**Regarding claim 25**, McKeeth teaches a method of storing data at a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory **(column 3, lines 30-67, column 4, lines 1-30)**, said method comprising the steps of:

- initiating a session on the computing platform **(abstract, fig 3)**;
- the monitoring component recording state data describing a current operational state of the computing platform **(column 4, lines 30-63)**;
- generating data in the session **(column 4, lines 30-63)**; and
- storing the generated data with reference to the state data so that the generated data may be recovered in a future session of the computing platform in the same operational state **(column 4, lines 30-63)**.

**29. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth, and further in view of Hannah.**

**Regarding claim 25**, McKeeth does not expressly teach using encryption to store the data. However, Hannah teaches wherein the generated data is encrypted to ensure recovery only in a future session of the computing platform in the same operational state (column 2, lines 1-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store the data



Art Unit: 2136

generated by the system of McKeeth in encrypted form. One of ordinary skill in the art would have been motivated to do so to detect possible unauthorized modifications to the data (Hannah, column 2, lines 40-64).

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Number 5,892,906 to Chou et al. teaches password protection associated with the BIOS.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-

Art Unit: 2136


5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



10/06/06